

FACTSHEET

TITLE: **PRELIMINARY PLAT NO. 02018, FRONTIER MEADOWS**, requested by Carl R. Schmidt, to create 3 residential lots on 3.89 acres, with associated waiver requests, on property generally located at Old Cheney Road and Frontier Road.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 01/08/03 and 01/22/03
Administrative Action: 01/22/03

STAFF RECOMMENDATION: Conditional Approval.

RECOMMENDATION: Conditional Approval, with amendments (5-0: Krieser, Taylor, Carlson, Newman and Steward voting 'yes'; Duvall, Larson, Schwinn and Bills-Strand absent).

ASSOCIATED REQUEST: Change of Zone No. 3290 (03-92).

FINDINGS OF FACT:

1. This preliminary plat and the associated Change of Zone No. 3290 were heard at the same time before the Planning Commission.
2. The applicant requested the following waivers to: 1) Allow street lighting at 480' to 500' intervals; 2) allow sidewalks on one side only of internal streets; 3) allow rural roadway section including 22' wide paving and 41' radius cul-de-sacs; 4) allow rural ditches for stormwater runoff; and 5) allow the use of a sanitary sewer ejector until gravity sewer is available. At the continued public hearing on January 22, 2003, the applicant **withdrew** the waiver request to allow the use of a sanitary sewer ejector.
3. The staff recommendation of conditional approval (including denial of the waiver requests to allow rural roadway section, to allow ditches for stormwater runoff and to allow the use of a sanitary sewer ejector) is based upon the "Analysis" as set forth on p.10-11, concluding that the proposal is generally in conformance with the 2025 Comprehensive Plan. The plat is similar to Hawkswood Estates, located immediately to the east. The requested waivers are similar to the waivers granted on Hawkswood Estates. The associated change of zone request to R-1 would allow the proposed lots to be subdivided in the future to 9,000 sq. ft. lots. Final plats should not be approved until the area is served by gravity sanitary sewer.
4. The applicant's testimony is found on p.16-17 and 18-19, including proposed amendments to the conditions of approval, whereby the waiver request to allow a sanitary sewer ejector is withdrawn (See p. 29-33).
5. Testimony in support is found on p.19, and the record consists of two letters in support (p.34-35).
6. There was no testimony in opposition. A representative for Public Works expressed reservations about the proposed "rural" street cross section, and suggested the possibility of an off-site water exaction. The Planning Director indicated that he and the Public Works Director had discussed this application and agreed that "urban" street standards could be waived due to the few number of lots and their large size. He also indicated that an individual off-site exaction in this case would not be appropriate.
7. On January 22, 2003, the Planning Commission voted 5-0 to recommend conditional approval, as set forth in the staff report dated December 19, 2002, with the amendments as proposed by the applicant. The amended conditions of approval allow the rural cross-sections, but conditions were added relating to maintenance responsibility of roadways and ditches (See Condition #3.2.11).
8. On January 24, 2003, a letter reflecting the action of the Planning Commission and the amended conditions of approval was mailed to the applicant (p.2-7).
9. The Site Specific conditions of approval required to be completed prior to scheduling this application on the City Council agenda have been satisfied.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: May 27, 2003

REVIEWED BY: _____

DATE: May 27, 2003

REFERENCE NUMBER: FS\CC\2003\PP.02018 Frontier Meadows

January 24, 2003

ESP

Lyle Loth

601 Old Cheney Rd., Ste. A

Lincoln NE 68512

Re: Preliminary Plat No. 02018
FRONTIER MEADOWS

Dear Mr. Loth:

At its regular meeting on Wednesday, **January 22, 2003**, the Lincoln-Lancaster County Planning Commission granted approval to your preliminary plat, **Frontier Meadows**, located in the general vicinity of **Old Cheney Rd. and Frontier Rd.**, subject to the following conditions:

Site Specific:

1. After the subdivider completes the following instructions and submits the documents and plans and 6 copies to the Planning Department office, the preliminary plat will be scheduled on the City Council's agenda: (NOTE: These documents and plans are required by ordinance or design standards.)
 - 1.1 Revise the preliminary plat to show:
 - 1.1.1 Utility easements as requested by LES.
 - 1.1.2 Provide a metes and bounds legal description.
 - 1.1.3 Correct the zoning in the notes. The current zoning is AGR and R-1. The requested zoning is R-1.
 - 1.1.4 Extend the sidewalk on the north side of Frontier Circle to the east lot line of Lot 1.
 - 1.1.5 Show the symbol in the Proposed Street Tree table.
 - 1.1.6 Add a note to the site plan stating, "Lots 1 & 2 may be final platted as a buildable lot if the sanitary sewer to service said lots is from Old Cheney Road or until such time that gravity sanitary sewer is available. Lot 3 may not be final platted as a buildable lot until such time that gravity sanitary sewer is available." (****Per Planning Commission, at the request of the applicant, 01/22/03****)

- 1.1.7 Provide landscape screen that meets design standards.
- 1.1.8 Space the street trees according to design standards.
- 1.1.9 Revise the sanitary sewer to the satisfaction of Public Work & Utilities Department.
- 1.1.10 Revise the dam for the detention cell to the satisfaction of Public Works & Utilities Department.
- 1.1.11 Provide a detail showing the necessary erosion control measures for the top and back side of the dam.
- 1.1.12 Revise the grading plan to the satisfaction of Public Works and Utilities Department.
- 1.1.13 Show the existing storm sewer that runs under Old Cheney Rd. at the northeast corner of the plat.
- 1.1.14 Change the sidewalk width to 5' along Old Cheney Rd.
- 1.1.15 As shown on the grading plan, the sidewalk location is shown at the bottom of the roadside ditch. Move the sidewalk out of the roadside ditch.
- 1.1.16 Remove all notes referring to the wastewater ejector.
- 1.1.17 Remove the 11/4" PVC wastewater ejector force main and the note.

~~If the Planning Commission approves the waiver to allow rural section roads and ditches to carry storm water, the following condition should apply:~~ **(**Per Planning Commission, at the request of the applicant, 01/22/03**)**

- 1.1.18 Add the following note to the site plan: "Roadside ditches and culverts shall be maintained by abutting property owners."

~~If the Planning Commission approves the waiver to allow the use of a sanitary sewer ejector, the following condition should apply:~~

~~Add the following note to the site plan; The sanitary sewer ejector and the force main shall be private and maintained by a homeowners association.~~
(Per Planning Commission, at the request of the applicant, 01/22/03**)**

2. The City Council approves associated request:

2.1 Change of Zone #3290

- 2.2 An exception to the design standards to increase the spacing of street lights from 200' to 500'.
- 2.3 A modification to the land subdivision ordinance to permit sidewalks on one side only of interior streets.
- 2.4 Eliminate curb and gutters for the streets and allow rural roadway cross section. (Section 26.27.010 of the Land Subdivision Ordinance). **(**Per Planning Commission, at the request of the applicant, 01/22/03**)**
- 2.5 Allow the roadside ditches to carry the stormwater rather than storm sewer; provide that the abutting property owners are responsible for the maintenance of the roadway side ditches and the culverts (Stormwater Drainage Design Standards – Location and Alignment in the Land Subdivision Design Standards). **(**Per Planning Commission, at the request of the applicant, 01/22/03**)**

General:

- 3. Final Plats will be scheduled on the Planning Commission agenda after:
 - 3.1 You have completed or posted a surety to guarantee the completion of the public streets, private roadway improvements, sidewalks, sanitary sewer system, water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs.
 - 3.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:
 - 3.2.1 To submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
 - 3.2.2 To complete the private improvement shown on the preliminary plat.
 - 3.2.3 To properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.
 - 3.2.4 To continuously and regularly maintain the street trees and landscape screen along Old Cheney Rd.

- 3.2.5 To submit to the lot buyers and home builders a copy of the soil analysis.
- 3.2.6 To comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
- 3.2.7 To protect the trees that are indicated to remain during construction and development.
- 3.2.8 To relinquish direct vehicular access to Old Cheney Rd. from Lots 1 & 2.
- 3.2.9 To pay a water connection fee for the Old Cheney Rd. water main in the event any lot's individual water service connects to the water main in Old Cheney Rd. instead of connecting to the public water line in Frontier Circle. (****Per Planning Commission, at the request of the applicant, 01/22/03****)
- 3.2.10 To request a biennial water well permit for each existing well from the Lincoln-Lancaster County Health Department.
- 3.2.11 ~~If Planning Commission chooses to approve waiver of curb and gutter add the following;~~ To add the following language:

Maintenance Responsibility of Roadways and Ditches. The parties understand that the public streets currently serving individual premises located within the Frontier Meadows area have not been constructed in accordance with the City of Lincoln Standard Specifications for Municipal Construction. Such deviation from City of Lincoln Standard Specifications for Municipal Construction results in different maintenance requirements than those normally encountered with streets of the City of Lincoln constructed in accordance with its City of Lincoln Standard Specifications for Municipal Construction. After annexation or platting, the adjacent property owners or, in the alternative, the Association, shall not have maintenance responsibility for existing roadway improvements except as follows:

- A. Mowing and keeping ditches and driveway pipes free of obstructions shall be the responsibility of the adjacent property owner. This responsibility shall extend to and include that portion of the public right-of-way from the edge of pavement to the right-of-way line.
- B. The only permitted item within the right-of-way line shall be a mailbox. This mailbox and mailbox post shall be a minimum of five feet from the edge of pavement. Mailbox opening may be four feet from the edge of pavement. The mailbox support or standard shall be constructed in accordance with U.S. postal requirements. The mailbox and standard shall only be used for mail purposes and may have street addresses affixed to it. No other fixtures will be allowed within the public right-of-way, except public street name signs, traffic control signs and public lighting approved by the City.

- C. Should the adjacent property owner neglect or be negligent in performing the general maintenance of driveway, driveway pipes and ditches that is specified in subpart A above, and damages occur to the public roadway or adjacent property, that property owner shall be responsible for all damages and liabilities that occur.
- D. When it is determined by the Public Works & Utilities Department that a driveway pipe or pipes has deteriorated or been damaged to a point that replacement is required, the property owner shall replace said driveway pipe within one week of notification or bear the cost of said replacement.

(Per Planning Commission, at the request of the applicant, 01/22/03**)**

The findings of the Planning Commission will be submitted to the City Council for their review and action. You will be notified by letter if the Council does not concur with the conditions listed above.

You may appeal the findings of the Planning Commission to the City Council by filing a notice of appeal with the City Clerk. The appeal is to be filed within 14 days following the action by the Planning Commission. You have authority to proceed with the plans and specifications for the installation of the required improvements after the City Council has approved the preliminary plat. If you choose to construct any or all of the required improvements prior to the City's approval and acceptance of the final plat, please contact the Director of Public Works before proceeding with the preparation of the engineering plans and specifications. If the required minimum improvements are not installed prior to the City Council approving and accepting any final plat, a bond or an approved Agreement of Escrow of Security Fund is required.

The approved preliminary plat is effective for only ten (10) years from the date of the City Council's approval. If a final plat is submitted five (5) years or more after the effective date of the preliminary plat, the City may require that a new preliminary plat be submitted. A new preliminary plat may be required if the subdivision ordinance or the design standards have been amended.

You should submit an ownership certificate indicating the record owner of the property included within the boundaries of the final plat when submitting a final plat.

The Subdivision Ordinance requires that there be no liens of taxes against the land being final platted and that all special assessment installment payments be current. When you submit a final plat you will be given forms to be signed by the County Treasurer verifying that there are no liens of taxes and by the City Treasurer verifying that the special assessment installment payments are current.

Sincerely,

J. Greg Schwinn, Chair
City-County Planning Commission

cc: Owner
 Public Works - Dennis Bartels
 LES
 Alltel Communications Co.
 Cablevision
 Fire Department
 Police Department
 Health Department
 Parks and Recreation
 Urban Development
 Lincoln Public Schools
 County Engineers
 City Clerk

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

P.A.S.: Change of Zone #3290 (AGR to R-1)
Preliminary Plat #02018

DATE: December 19, 2002

SCHEDULED PLANNING COMMISSION MEETING:

DATE: January 8, 2003

****As Revised by Planning Commission: 01/22/03****

PROPOSAL: To create 3 residential lots on 3.89 acres located at Old Cheney Rd. & Frontier Rd.

WAIVER REQUEST:

1. Allow street lighting at 480' to 500' intervals.
2. Allow sidewalks on one side only of internal streets.
3. Allow rural roadway section including 22' wide paving and 41' radius cul-de-sacs.
4. Allow rural ditches for stormwater runoff.
5. Allow the use of a sanitary sewer ejector until gravity sewer is available.

LAND AREA: CZ #3290—1.92 acres more or less
PP #02018—3.89 acres more or less

CONCLUSION: Generally in conformance with the 2025 Comprehensive Plan. The plat is similar to Hawkswood Estates, located immediately to the east. Requested waivers are similar to waivers granted on Hawkswood Estates. The requested change of zone would allow the proposed lots to be subdivided in the future to 9,000 square feet lots. Final plats should not be approved until the area is served by gravity sanitary sewer.

RECOMMENDATION:

Change of Zone #3290

Approval

Preliminary Plat #02018

Conditional Approval

WAIVER REQUESTS

-Exceed maximum spacing for street lighting

Approval

-Allow sidewalks on one side of internal streets

Approval

**-Allow rural roadway section including 22' paving
and 41' radius cul-de-sac**

Denial

-Allow ditches for stormwater runoff

Denial

**-Allow the use of a sanitary sewer ejector until
gravity sewer is available**

Denial

GENERAL INFORMATION:**LEGAL DESCRIPTION:**

PP #02018– The north 416' of Lot 1, Sheldon Heights in the NE 1/4 of Section 16, Township 9 North, Range 7 East, of the 6th P.M., Lancaster County, Nebraska.

CZ #3290– See attached legal description.

LOCATION: Old Cheney Rd. & Frontier Rd. (approximately the 6500 block of Old Cheney Rd.)

APPLICANT: Carl R. Schmidt
7541 Boone Trail
Lincoln, NE 68516
(402) 483-6623

OWNER: Same as applicant

CONTACT: Lyle Loth
E.S.P.
601 Old Cheney Rd. Suite A
Lincoln, NE 68512
(402) 421-2500

EXISTING ZONING: AGR- Agricultural Residential and R-1 Residential

EXISTING LAND USE: Vacant

SURROUNDING LAND USE AND ZONING:

North:	R-1	Single family residential
South:	AGR	Single family residential
East:	R-1	Single family residential
West:	AGR & R-1	Single family residential

COMPREHENSIVE PLAN SPECIFICATIONS:

This area is shown as Residential Low Density in the 2025 Comprehensive Plan (F-25). Low density residential is defined as “residential areas with densities ranging from 1 to 5 acres per dwelling unit, with a typical density of 3 acres per dwelling unit.” (F-27)

The Southeast Lincoln/ Highway 2 Subarea Plan show this area as Low Density Residential.

Sidewalks should be provided on both sides of all streets. (F-66, 67)

Guiding Principles of wastewater services states that, *The City's collection system, in general, will continue to be a gravity fed system that is designed to accommodate urbanization of drainage basins and sub-basins.*(F-77)

Overall guiding principles for the Residential section includes; *Provision of the broadest range of housing options throughout the community improves the quality of life in the whole community.* (F-65)

Strategies for new and existing neighborhoods include maintaining the diversity and character of the neighborhood.(F-71)

HISTORY:

Date when preliminary plat was submitted:	September 10, 2002
Date when Planning Director's letter was sent:	October 10, 2002
Date when revised preliminary plat was submitted:	December 9, 2002

September 4, 1962 City Council approved Sheldon Heights final plat.

July 1, 2002	City Council approved Hawkswood Estates Preliminary Plat and Community Unit Plan.
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Changed from AA Rural and Public Use District and A-1 Single Family Dwelling District to AGR Agricultural Residential District and R-1 Residential District. in the 1979 zoning update.

UTILITIES: Water— A 12" water main must be built on Frontier Rd. abutting this plat.
A 16" water main exists on Old Cheney Rd.

Sewer— A 8" sewer main exists on Old Cheney Rd.
There is no sanitary sewer on Frontier Rd.

TOPOGRAPHY: The area gently slopes from north to south.

TRAFFIC ANALYSIS: Old Cheney Rd. is classified as a minor arterial and Frontier Rd. is a local street. The Old Cheney Road widening project between Highway 2 and So. 70th Street was completed this year.

PUBLIC SERVICE: The nearest fire station is Station #6 located at approximately S. 48th and Highway 2.

Maxey elementary school is located at 5200 S. 75th St. and Zeman elementary school is located at 4900 S. 52nd St.

ANALYSIS:

1. This is a request to subdivide one acreage lot into three smaller acreage lots.

2. This preliminary plat is similar to and adjacent to Hawkswood Estates.
3. Although the plat shows lots approximately one acre in size, the R-1 zoning district allows a minimum lot size of 9,000 square feet. The proposed lots could be subdivided in the future.
4. The applicant is requesting waivers similar to those granted for Hawkswood Estates and Grandview Heights; including rural section roads, sidewalks on one side of interior streets, street lighting at 500' intervals and rural ditches to carry storm water. Public works & Utilities Department objects to the waiver of rural section roads.
5. This plat cannot be served with gravity sanitary sewer. The applicant is proposing the use of a wastewater ejector to pump the sanitary sewer to the existing sanitary sewer on Old Cheney Road. Public Works & Utilities Department objects to this waiver.
6. Rural road cross sections with no curb and gutter require additional maintenance including the ditches and the driveway culverts. If the owners want the rural character, they should then be responsible for the maintenance.

PRELIMINARY PLAT CONDITIONS:

Site Specific:

1. After the subdivider completes the following instructions and submits the documents and plans and 6 copies to the Planning Department office, the preliminary plat will be scheduled on the City Council's agenda: (NOTE: These documents and plans are required by ordinance or design standards.)
 - 1.1 Revise the preliminary plat to show:
 - 1.1.1 Utility easements as requested by LES.
 - 1.1.2 Provide a metes and bounds legal description.
 - 1.1.3 Correct the zoning in the notes. The current zoning is AGR and R-1. The requested zoning is R-1.
 - 1.1.4 Extend the sidewalk on the north side of Frontier Circle to the east lot line of Lot 1.
 - 1.1.5 Show the symbol in the Proposed Street Tree table.
 - 1.1.6 Add a note to the site plan stating, "Lots 1 & 2 may be final platted as a buildable lot if the sanitary sewer to service said lots is from Old Cheney Road or until such time that gravity sanitary sewer is available. Lot 3 may not be final platted as a buildable lot until such time that gravity sanitary

sewer is available.” **(**Per Planning Commission, at the request of the applicant, 01/22/03**)**

- 1.1.7 Provide landscape screen that meets design standards.
- 1.1.8 Space the street trees according to design standards.
- 1.1.9 Revise the sanitary sewer to the satisfaction of Public Work & Utilities Department.
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- 1.1.14 Change the sidewalk width to 5' along Old Cheney Rd.
- 1.1.15 As shown on the grading plan, the sidewalk location is shown at the bottom of the roadside ditch. Move the sidewalk out of the roadside ditch.
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- 1.1.17 Remove the 11/4" PVC wastewater ejector force main and the note.

~~If the Planning Commission approves the waiver to allow rural section roads and ditches to carry storm water, the following condition should apply:~~ **(**Per Planning Commission, at the request of the applicant, 01/22/03**)**

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- 2. The City Council approves associated request:

- 2.1 Change of Zone #3290
- 2.2 An exception to the design standards to increase the spacing of street lights from 200' to 500'.
- 2.3 A modification to the land subdivision ordinance to permit sidewalks on one side only of interior streets.
- 2.4 Eliminate curb and gutters for the streets and allow rural roadway cross section. (Section 26.27.010 of the Land Subdivision Ordinance). **(**Per Planning Commission, at the request of the applicant, 01/22/03**)**
- 2.5 Allow the roadside ditches to carry the stormwater rather than storm sewer; provide that the abutting property owners are responsible for the maintenance of the roadway side ditches and the culverts (Stormwater Drainage Design Standards – Location and Alignment in the Land Subdivision Design Standards). **(**Per Planning Commission, at the request of the applicant, 01/22/03**)**

General:

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 - 3.2.1 To submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
 - 3.2.2 To complete the private improvement shown on the preliminary plat.
 - 3.2.3 To properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.

- 3.2.4 To continuously and regularly maintain the street trees and landscape screen along Old Cheney Rd.
- 3.2.5 To submit to the lot buyers and home builders a copy of the soil analysis.
- 3.2.6 To comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
- 3.2.7 To protect the trees that are indicated to remain during construction and development.
- 3.2.8 To relinquish direct vehicular access to Old Cheney Rd. from Lots 1 & 2.
- 3.2.9 To pay a water connection fee for the Old Cheney Rd. water main in the event any lot's individual water service connects to the water main in Old Cheney Rd. instead of connecting to the public water line in Frontier Circle. (**Per Planning Commission, at the request of the applicant, 01/22/03**)
- 3.2.10 To request a biennial water well permit for each existing well from the Lincoln-Lancaster County Health Department.
- 3.2.11 ~~If Planning Commission chooses to approve waiver of curb and gutter add the following; To add the following language:~~

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- A. Mowing and keeping ditches and driveway pipes free of obstructions shall be the responsibility of the adjacent property owner. This responsibility shall extend to and include that portion of the public right-of-way from the edge of pavement to the right-of-way line.
- B. The only permitted item within the right-of-way line shall be a mailbox. This mailbox and mailbox post shall be a minimum of five feet from the edge of pavement. Mailbox opening may be four feet from the edge of pavement. The mailbox support or standard shall be constructed in accordance with U.S. postal requirements. The mailbox and standard shall only be used for mail purposes and may have street addresses

affixed to it. No other fixtures will be allowed within the public right-of-way, except public street name signs, traffic control signs and public lighting approved by the City.

- C. Should the adjacent property owner neglect or be negligent in performing the general maintenance of driveway, driveway pipes and ditches that is specified in subpart A above, and damages occur to the public roadway or adjacent property, that property owner shall be responsible for all damages and liabilities that occur.
- D. When it is determined by the Public Works & Utilities Department that a driveway pipe or pipes has deteriorated or been damaged to a point that replacement is required, the property owner shall replace said driveway pipe within one week of notification or bear the cost of said replacement.

(Per Planning Commission, at the request of the applicant, 01/22/03**)**

Prepared by:

Tom Cajka
Planner

**CHANGE OF ZONE NO. 3290
FROM AGR AGRICULTURAL RESIDENTIAL
TO R-1 RESIDENTIAL
and
PRELIMINARY PLAT NO. 02018
FRONTIER MEADOWS**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

January 8, 2003

Members present: Carlson, Bills-Strand, Larson, Newman, Duvall, Taylor, Krieser and Schwinn; Steward absent.

Staff recommendation: Approval of the change of zone and conditional approval of the preliminary plat.

The Clerk announced that the applicant has submitted a written request for a two-week deferral. Motion to defer made by Newman, seconded by Carlson, with continued public hearing an administrative action scheduled for January 22, 2003, and carried 8-0: Carlson, Bills-Strand, Larson, Newman, Duvall, Taylor, Krieser and Schwinn voting 'yes'; Steward absent.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

January 22, 2003

Members present: Krieser, Taylor, Carlson, Newman and Steward; Duvall, Larson, Schwinn and Bills-Strand absent.

Staff recommendation: Approval of the change of zone and conditional approval of the preliminary plat.

Proponents

1. Kent Seacrest appeared on behalf of the owner and developer, **Carl Schmidt**. This project consists of a change of zone from AGR to residential and a preliminary plat to take about four acres and turn it into 3 lots of about 1-acre each in size. Seacrest indicated that the applicant has met with staff and the neighbors during the two-week deferral.

One of the issues was pumping sewage from these three proposed homes up to Old Cheney Road. This is a unique piece of real estate. The Comprehensive Plan shows this property as low density residential with 1- to 5-acre lot size, so this proposal is in conformance with the Comprehensive Plan. This parcel is just one of the little 3.8 acre tract in the middle of the triangle surrounded by acreages. We have discussed pumping sewage up, because the natural sewage will come from the south across Highway 2. This area does not have a sewage plan, yet it is inside the city limits. This applicant is proposing to pump the sewage up to Old Cheney.

This proposal also seeks approval of rural standards for the streets with no curb and gutter. Seacrest recalled that there have been several “retrofits” lately (5-acre tracts being replatted into 1-acre tracts, being in conformance with the Comprehensive Plan and yet not be urbanized). To the east of this development is Hawkswood Estates, which was approved with rural standard streets. Yet in this application, the staff and administration are not recommending approval of the rural standard streets. There was another recent plat called Grandview Heights on No. 14th that was recommended for rural standard streets. This (Frontier Meadows) is the start of a neighborhood. The bigger neighborhood surrounding this is called Sheldon Heights which is trying to do what was done at Grandview Heights with rural standards, with city water and sewer. Sheldon Heights is represented by Art Zygielbaum and Stan Maly, who have submitted letters in support of the rural standard streets for Frontier Meadows. Both of these neighbors to the south are begging that Frontier Meadows be allowed to have rural standards because that neighborhood to the south is coming in next and will want rural streets. Seacrest showed a map of Hawkswood Estates which is due east with approved rural standard streets.

Seacrest then stated that his client has given up trying to pump the sewage and is no longer seeking that waiver. His client has also agreed to work with the neighborhood to the south to bring in the rural standards so that everything in the triangle is rural standards. Southfork also has rural standards and it is in this triangle.

Seacrest submitted a motion to amend the conditions of approval, including giving up the request to pump sewage, but requesting deletion of the urban street standards with curb and gutter.

Carlson believes that this is going to be something the Commission will see more and more of as we go along. He appreciates the agreement to the gravity flow. But what is the ultimate form if it is not curb and gutter? Seacrest stated that this triangle has different sets of covenants but yet common covenants requiring 1 acre or larger. With these covenants, there is not the potential for the density that would require the curb and gutter. You don’t need curb and gutter and it changes the appearance from agrarian rural setting to being in the city. This saves the tree masses. There will be fire hydrants and fire protection.

Carlson is sympathy to the aesthetic desire, but what about the walking network? Seacrest stated that the walking networks are planned. They do have a street network and they are putting in sidewalk on one side, plus some of the owners have talked about the wood chip trail network that will be done privately to be able to circulate back and forth.

There was no testimony in opposition.

Staff questions

Carlson asked staff to respond to the motion to amend. Tom Cajka advised that the staff is in agreement with the change to gravity flow. He deferred to Public Works regarding the street standards. If rural streets are allowed, the property owners will be responsible for maintaining the ditches and culverts.

Dennis Bartels of Public Works had a mixed reaction as far as the rural streets. The reservation is because of Public Works' perception of some maintenance cost problems that occur with rural streets in general. There is talk today about the neighbors to the south coming in with a development similar to this with larger lots; however, nothing has been submitted nor approved. The primary outlets for that development would be through here. We would be relying on faith that the south would follow through with similar size lots. There would be more maintenance costs because of the ditch. For instance, in this type of weather, when you plow snow without the curb, the blade will get into a grass shoulder and cause complaints as far as parking and sprinkler systems. It is a general perception that the maintenance that goes along with rural streets has higher costs. Southfork may not be a real good example because it was a county subdivision that was annexed after-the-fact. We did not force the roads to be reconstructed when it was finally annexed.

Steward indicated that he personally understands the principle and appreciates the need for curb and gutter in a standard urban profile; however, now that we do have a number of these subdivisions and have had some for some time, maybe some study of the cost comparisons might be useful when these applications come forward. This triangle seems to be rather unique in what was developed there, including the size of the lots, how they are trying to redevelop and how they are trying to help the Comprehensive Plan conform to density. Steward asked Bartels whether he would agree that there is some justification within this particular confine for similar profile. Bartels indicated that he agrees with the general principle. But he is not sure everyone sees the rural standard the same way. Engineers might have a different vision of a rural standard than the developer.

With regard to the amendment to Condition #3.2.9 (the water connection), Bartels suggested that the way it is rewritten was not his intent when he asked for it. The people that lived along Old Cheney were going to get a sanitary sewer and asked the city to create an ordinance whereby if they built it, the city would have the authority to ask those that connected to help pay for the frontage. Public Works determined that if it was good for the private side to get reimbursed, the city should have the same consideration. Bartels' intent was for an analogous payment for the equivalent of half of the 6" water main for the frontage on the existing 16" main in Old Cheney which was paid entirely by the water system as a CIP project. With the likelihood of impact fees, it is kind of caught in the middle. Bartels had mixed reactions to changing this condition and disagreed with the proposed amendment to Condition #3.2.9.

Response by the Applicant

Seacrest was taken back by the water issue. He thinks they could be made to pay three times. There is going to be a cul-de-sac with a water line--why pay for a second water line? As far as the plat, this developer is putting in water so why would they pay to do the water line on Old Cheney, unless this is deemed an off-site improvement? The property is already annexed. It is not fair or legal to ask for off-site water lines. Impact fees have been passed. This developer will be paying for off-sites every time they get a building permit. "So why would we be paying for water more than we need to?"

With regard to the rural road standards, Seacrest agreed that Public Works might have to maintain something, but when you put in curb and gutter and storm sewers, the city has to maintain those as well. The city has maintenance either way. He does not understand the maintenance argument because there is less to maintain with the rural road standards. In addition, Seacrest suggested that it is not

appropriate or fair when the last two projects (Grandview Heights and Hawkswood Estates) received this waiver. What is the difference?

Furthermore, Seacrest pointed out that the Comprehensive Plan designates this area as low density residential. The Comprehensive Plan talks about the different urban form needs as well as infrastructure needs. If this is not rural standard streets, then why the low density residential designation in the Comprehensive Plan? Seacrest believes it is an urban form issue and he is disappointed that Planning deferred to Public Works to discuss this issue.

Carlson confirmed that Condition #3.2.9 has this development bringing water down Frontier Road and up Frontier Circle. Seacrest concurred, offering that in the event any of these lots would tap into Old Cheney Road, this development should then tap into that line.

Carlson inquired as to when the area to the south is anticipated to come forward. It looks like it is likely to develop similarly, but if it comes in as 80 homes, what should I do? Seacrest stated that Carlson should then ask staff for a special assessment to add curb and gutter.

The Commission then agreed to allow additional testimony in support.

Art Zygielbaum, 6601 Pinecrest in Sheldon Heights, testified in support. The Sheldon Heights neighbors have been meeting and are getting ready to bring in a plat and an update to their covenants. Zygielbaum also supported Hawkswood Estates. The Sheldon Heights neighbors wish to maintain the rural environment that they have. The area is rural. They have been paying for their own gravel. The residents moved to this area because of the rural environment. The residents are willing to maintain a curbsless environment and one with minimal street lighting and yet minimize the cost of maintenance for the city. The Sheldon Heights neighbors have worked with this developer and the Frontier Meadows developer supports what Sheldon Heights wants to do with the Sheldon Heights area, which will be very similar to this proposal.

Marvin Krout, Director of Planning, then addressed the Commission. He does not believe there has been the best communication between the Departments and the applicant to date. He believes and agrees that the roads are an urban form issue and Planning does have some responsibility to talk about that. Krout believes that the Planning staff did discuss this with the Director of Public Works and Utilities and Krout was not sure that the Public Works Director had the opportunity to communicate with his staff. However, Krout stated that Allan Abbott did indicate that this was a case where he could go along with the rural standard. There have been situations before the Commission where Public Works did not disagree with a development of this sort with streets of the rural standard. Based on Krout's discussion with Allan Abbott, Krout believes that Public Works Director would agree to the rural standard in this case.

On the issue of off-site improvements, Krout was not aware of this issue until this afternoon. Outside of an annexation agreement, Krout does not believe we should be asking for this off-site water connection fee in this case. Krout suggested that the Planning Commission approve the applicant's proposed amendments.

Public hearing was closed.

CHANGE OF ZONE NO. 3290

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

January 22, 2003

Carlson moved approval, seconded by Newman and carried 5-0: Krieser, Taylor, Carlson, Newman and Steward voting 'yes'; Duvall, Larson, Schwinn and Bills-Strand absent.

PRELIMINARY PLAT NO. 02018

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

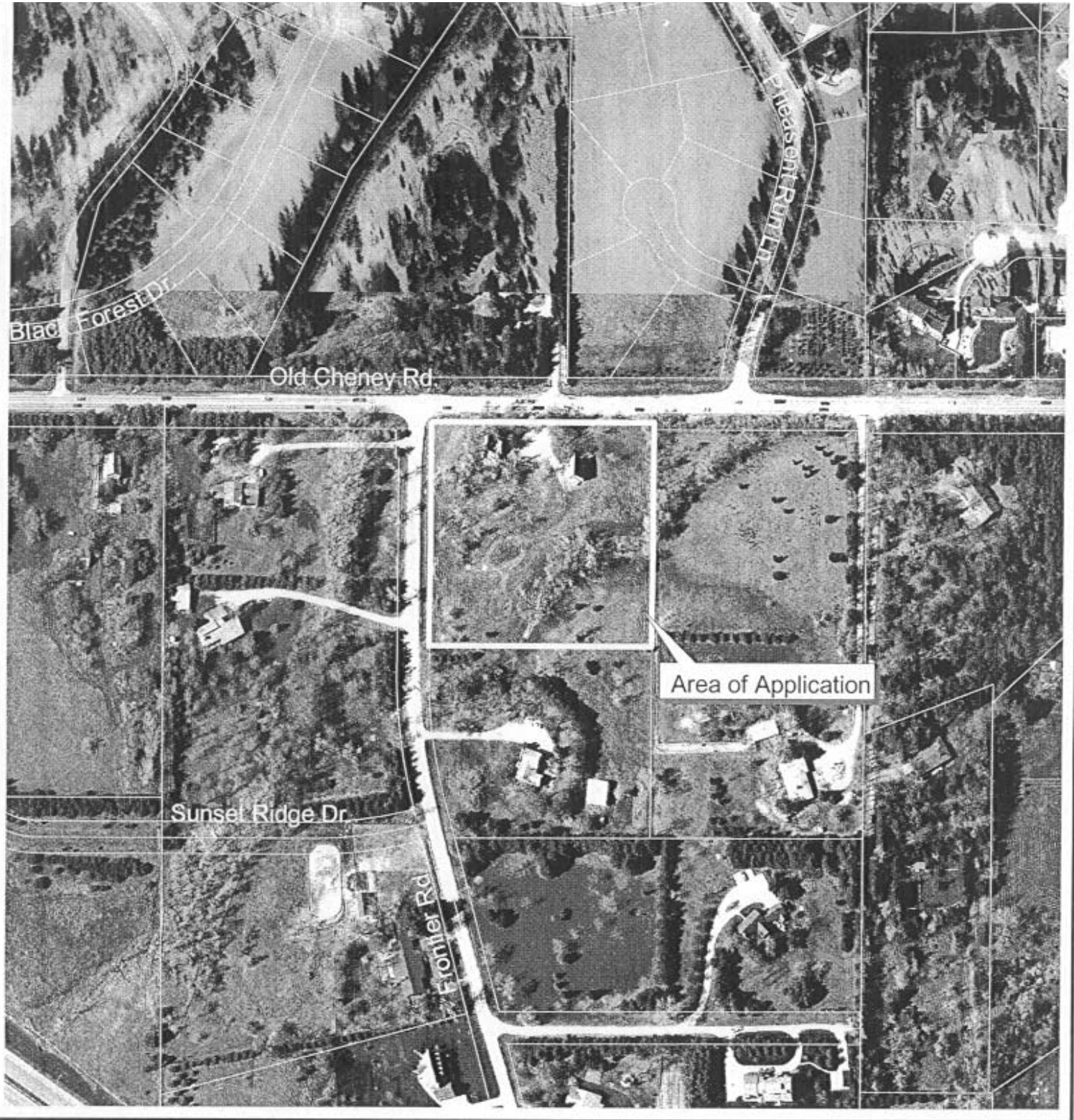
January 22, 2003

Carlson moved approval, with conditions as amended by the applicant, seconded by Newman.

Carlson appreciates the discussion on this because he needed clarification and appreciated the Planning Director's thoughts.

Steward noted that with the rural cross-sections, we have other conditions that now apply that would be implemented with this motion, i.e. Condition #3.2.11, with regard to maintenance responsibility for roadways and ditches.

Motion for conditional approval, with amendments as requested by the applicant, carried 5-0: Krieser, Taylor, Carlson, Newman and Steward voting 'yes'; Duvall, Larson, Schwinn and Bills-Strand absent.



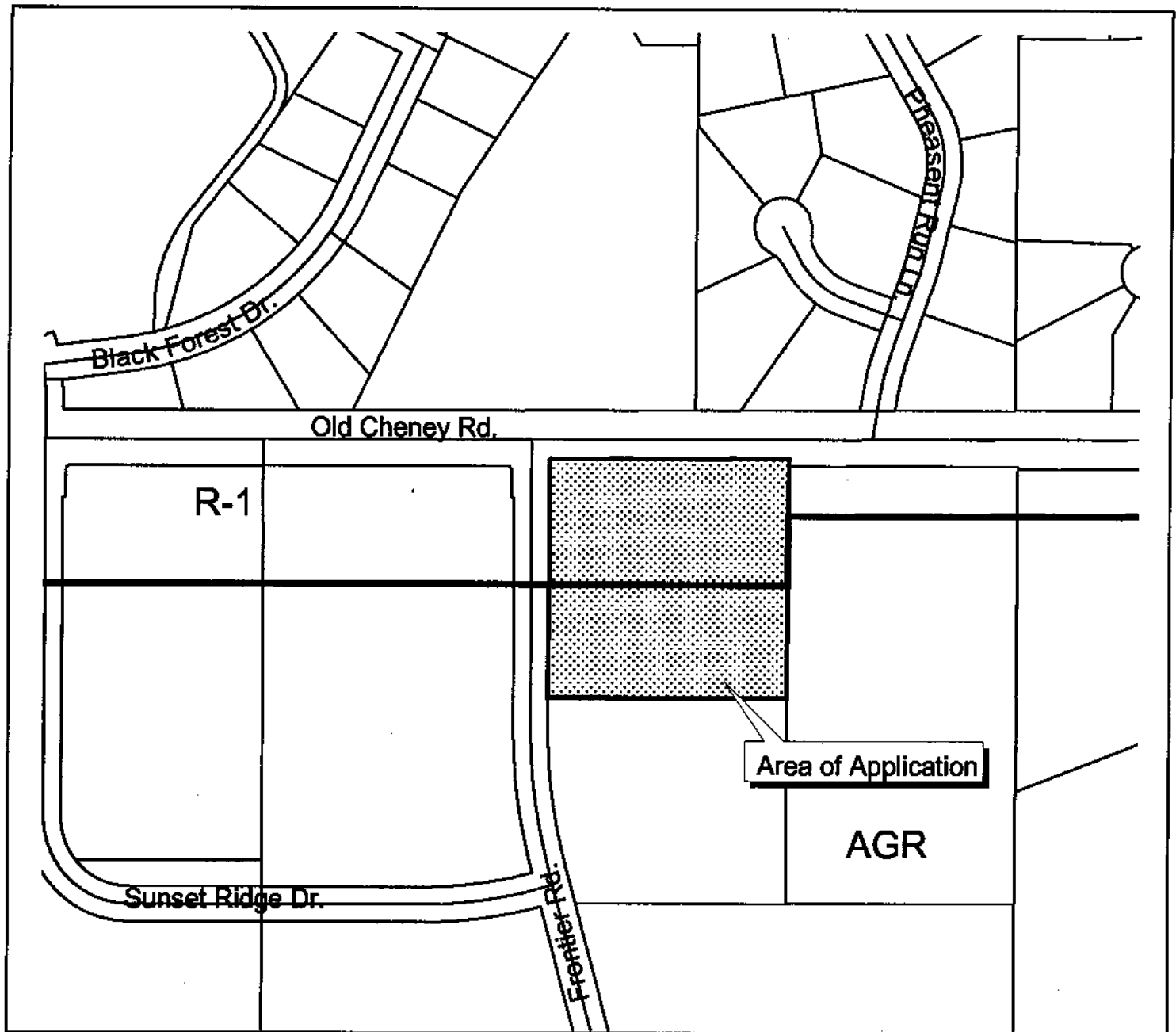
Preliminary Plat #02018
Frontier Meadows
Frontier Rd. & Old Cheney Rd.



Photograph Date: 1999

021

Lincoln City - Lancaster County Planning Dept.

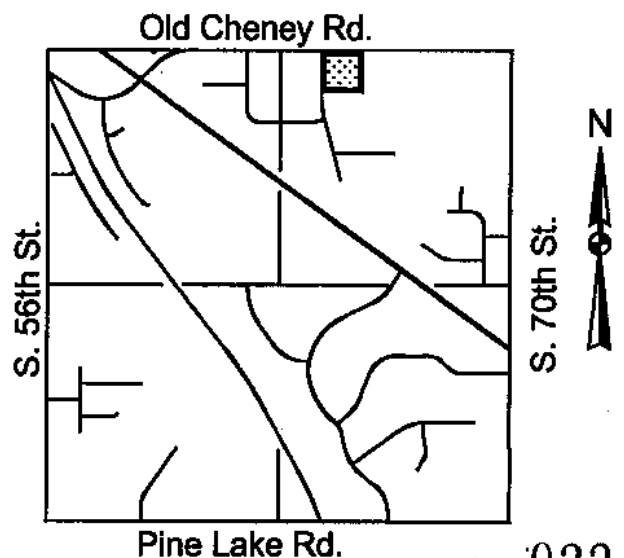
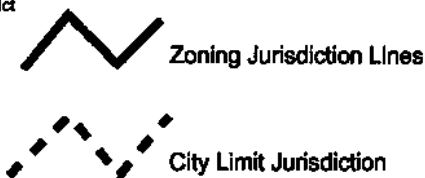


Preliminary Plat #02018
Frontier Meadows
Frontier Rd. & Old Cheney Rd.

Zoning:

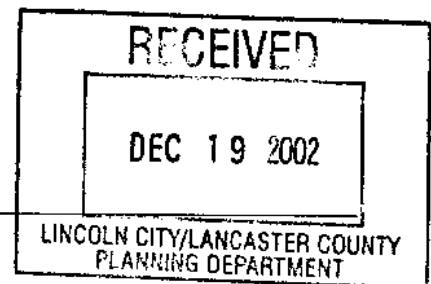
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
 Sec. 16 T9N R7E



022

Memorandum



To: Tom Cajka, Planning Department
From: *DB* Dennis Bartels, Public Works and Utilities
CB Chad Blahak, Public Works and Utilities
Subject: Frontier Meadows

Date: December 18, 2002

cc: Randy Hoskins
Dennis Bartels
Nicole Fleck-Tooze
Devin Biesecker

Engineering Services has reviewed the re-submitted preliminary plat and community unit plan for Frontier Meadows, located at Frontier Road, south of Old Cheney Road and has the following comments:

1. Water - The water system for this plat is satisfactory.
2. Sanitary - Public Works continues to recommend that the plat be served by a public gravity sewer connecting to the Beals Slough trunk sewer south of Hwy #2 and that the request for waiver of design standards to temporarily use an ejector pump be denied.
3. Grading/Drainage - The dam for the detention cell does not meet design standards (14' minimum top width and 4:1 maximum side slope) and should be revised accordingly. A detail for the outlet structure and culvert needs to be provided, including the velocity and required energy dissipation measures at the outlet.

The entire length of the dam is proposed to be used as the spillway. A detail needs to be provided showing the necessary erosion control measures for the top and back side of the dam. Public Works recommends that the outlet structure be redesigned such that a smaller, more easily maintained spillway is provided.

The drainage ditch on the north side of Frontier Circle at the intersection of Frontier Road does not correspond with the proposed 18" culvert. The grading plan should be revised accordingly.

A portion of the drainage channel running to the proposed pond is outside the drainage easement.

The existing storm sewer that runs under Old Cheney Road at the north east corner of the plat needs to be shown on this plat. The drainage way for the aforementioned storm sewer also needs to be shown on the grading plan with the required easement.

The grading plan does not match the typical cross section shown and should be revised accordingly. Also, the grades along Old Cheney Road do not match new construction and should be revised accordingly.

Dennis Bartels and/or myself would like to meet with the applicant to discuss this plat prior to the next submittal.

4. Streets - The developer is requesting rural cross-section roadways with open ditches. Public Works recommends urban type curb and gutter paving. If the rural cross-section is approved over our objection, the developer should be required to maintain the open ditches and culverts. The grading plan should be revised so that the roadways can be converted to urban paving without regrading the lots by showing the grading to meet the potential urban cross-section. This would also allow sidewalks to be built. As shown on the grading plan, the sidewalk location is shown at the bottom of the roadside ditch. This location is unsatisfactory for routine maintenance and snow removal.

The sidewalks along Old Cheney should be 5' in width to meet ADA requirements.

5. General - The information shown on the preliminary plat relating to the public water main system, public sanitary sewer system, and public storm sewer system has been reviewed to determine if the sizing and general method providing service is satisfactory. Design considerations including, but not limited to, location of water main bends around curves and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant location, location and number of sanitary sewer manholes, location and number of storm sewer inlets, location of storm sewer manholes and junction boxes, and the method of connection storm sewer inlets to the main system are not approved with this review. These and all other design considerations can only be approved at the time construction drawings are prepared and approved.

← *

Memo



To: Tom Cajka, Planning Department

From: Mark Canney, Parks & Recreation

Date: December 19, 2002

Re: Frontier Meadows PP 02018

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have compiled the following comments:

1. Please provide label/symbol of tree species in the plant table as to how they correspond with the numbers located on the plan.
2. Street trees which are large overstory species need to be planted at a maximum of 60' on and a minimum of 45' between trees.
3. Street trees which are flowering or ornamental need to be planted at a maximum of 45' on center and a minimum of 20' between trees

Please distinguish between the street trees required by the City and the Screening trees required by the City. Street trees do not count towards the screening requirement.

4. As stated in the September 17th Memo, a more effective screen is created by staggering trees and creating groups than one continuous line of alternated trees. Please consider this in designing a street screen.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Tom Cajka

DATE: August 30, 2002

DEPARTMENT: Planning

FROM: Chris Schroeder
Jerry Hood

ATTENTION:

DEPARTMENT: Health

CARBONS TO: Bruce Dart, Director
EH File
EH Administration

SUBJECT: Frontier Meadows
PP #02018

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the proposed Frontier Meadows with the following noted:

- Sewage disposal is proposed to be the Lincoln City Municipal collection system with a temporary lift station until a new sewer to the south is constructed. All properties must be connected to the sewer and all individual sewage disposal systems must be properly abandoned.
- Water supply will be the City of Lincoln water supply. Any wells in existence that are not going to be used must be properly abandoned. Any wells that are kept, must have a biennial well permit from the LLCHD.
- All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.
- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.
- Provisions should be made for retaining as much tree mass as possible. Alternately, the applicant will need to plan for disposal of tree waste by burying on site, grinding, offering for firewood or hauling to the landfill. Permits for open burning of tree waste within the city limits will not be approved and applications for burning within the 3-mile zone are unlikely to be approved.



INTER-DEPARTMENT COMMUNICATION

DATE September 26, 2002

TO Tom Cajka, City Planning

FROM Sharon Theobald
(Ext. 7640)

SUBJECT DEDICATED EASEMENTS
DN #57S-64E

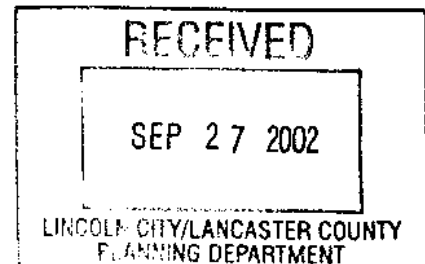
Attached is the Revised Preliminary Plat for Frontier Meadows.

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require the additional easements marked in red on the map.

It should be noted, any relocation of existing facilities will be at the owner/developer's expense.

Sharon Theobald



ST/ss
Attachment
c: Terry Wiebke
Easement File

MOTION TO AMEND

I hereby move to amend the Conditions recommended by the Lincoln City/Lancaster County Planning Staff Report for Preliminary Plat #02018 to read as follows:

PRELIMINARY PLAT CONDITIONS:

Site Specific:

1. After the subdivider completes the following instructions and submits the documents and plans and 6 copies to the Planning Department office, the preliminary plat will be scheduled on the City Council's agenda: (NOTE: These documents and plans are required by ordinance or design standards.)
 - 1.1 Revise the preliminary plat to show:
 - 1.1.1 Utility easements as requested by LES.
 - 1.1.2 Provide a metes and bounds legal description.
 - 1.1.3 Correct the zoning in the notes. The current zoning is AGR and R-1. The requested zoning is R-1.
 - 1.1.4 Extend the sidewalk on the north side of Frontier Circle to the east lot line of Lot 1.
 - 1.1.5 Show the symbol in the Proposed Street Tree table.
 - 1.1.6 Add a note to the site plan stating, "Lots 1 & 2 may be final platted as a buildable lot if the sanitary sewer to service said lots is from Old Cheney Road or until such time that gravity sanitary sewer is available. Lot 3 may not be final platted as a buildable lot until such time that gravity sanitary sewer is available."
 - 1.1.7 Provide landscape screen that meets design standards.
 - 1.1.8 Space the street trees according to design standards.
 - 1.1.9 Revise the sanitary sewer to the satisfaction of Public Work & Utilities Department.
 - 1.1.10 Revise the dam for the detention cell to the satisfaction of Public Works & Utilities Department.

1.1.11 Provide a detail showing the necessary erosion control measures for the top and back side of the dam.

1.1.12 Revise the grading plan to the satisfaction of Public Works and Utilities Department.

1.1.13 Show the existing storm sewer that runs under Old Cheney Rd. at the northeast corner of the plat.

1.1.14 Change the sidewalk to 5' along Old Cheney Rd.

1.1.15 As shown on the grading plan, the sidewalk location is shown at the bottom of the roadside ditch. Move the sidewalk out of the roadside ditch.

1.1.16 Remove all notes referring to the wastewater ejector.

1.1.17 Remove the 1 1/4" PVC wastewater ejector force main and the note.

~~If the Planning Commission approves the waiver to allow rural section roads and ditches to carry storm water, the following condition should apply.~~

1.1.18 Add the following note to the site plan; Roadside ditches and culverts shall be maintained by abutting property owners.

~~If the Planning Commission approves the waiver to allow the use of a sanitary sewer ejector, the following condition should apply.~~

~~Add the following note to the site plan; The sanitary sewer ejector and the force main shall be private and maintained by a homeowners association.~~

2. The City Council approves associated request:

2.1 Change of Zone #3290

2.2 An exception to the design standards to increase the spacing of street lights from 200' to 500'.

2.3 A modification to the land subdivision ordinance to permit sidewalks on one side only of interior streets.

2.4 Eliminate curb & gutters for the streets and allow rural roadway cross section. (Section 26.27.010 of the Land Subdivision Ordinance).

2.5 Allow the roadside ditches to carry the storm water rather than storm sewer; proved that the abutting property owners are responsible for the maintenance of the roadway side ditches and the culverts. (Stormwater Drainage Design Standards – Location and Alignment in the Land Subdivision Design Standards).

General:

3. Final Plats will be scheduled on the Planning Commission agenda after:

- 3.1 You have completed or posted a surety to guarantee the completion of the public streets, private roadway improvements, sidewalks, sanitary sewer system, water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs.
- 3.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:
 - 3.2.1 To submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
 - 3.2.2 To complete the private improvement shown on the preliminary plat.
 - 3.2.3 To properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.
 - 3.2.4 To continuously and regularly maintain the street trees and landscape screen along Old Cheney Rd.
 - 3.2.5 To submit to the lot buyers and home builders a copy of the soil analysis.
 - 3.2.6 To comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
 - 3.2.7 To protect the trees that are indicated to remain during construction and development.
 - 3.2.8 To relinquish direct vehicular access to Old Cheney Rd. from Lots 1 & 2.
 - 3.2.9 To pay a water connection fee for the Old Cheney Rd. water main in the event any lot's individual water service connects to the water main in Old Cheney Rd. instead of connecting to the public water line in Frontier Circle.
 - 3.2.10 To request a biennial water well permit for each existing well from the Lincoln-Lancaster County Health Department.

- 3.2.11 ~~To add the following language: If Planning Commission chooses to approve waiver of curb and gutter add the following:~~

Maintenance Responsibility of Roadways and Ditches. The parties understand that the public street currently serving individual premises located within the Frontier Meadows area have not been constructed in accordance with the City of Lincoln Standard Specifications for Municipal Construction. Such deviation from City of Lincoln Standard Specifications for Municipal Construction results in different maintenance requirements than those normally encountered with streets of the City of Lincoln constructed in accordance with its City of Lincoln Standard Specifications for Municipal Construction. After annexation or platting, the adjacent property owners or, in the alternative, the Association shall not have maintenance responsibility for existing roadway improvements except as follows:

- (A) Mowing and keeping ditches and driveway pipes free of obstructions shall be the responsibility of the adjacent property owner. This responsibility shall extend to and include that portion of the public right-of-way from the edge of pavement to the right-of-way line.
- (B) The only permitted item within the right-of-way line shall be a mailbox. This mailbox and mailbox post shall be a minimum of five feet from the edge of pavement. Mailbox opening may be four feet from the edge of pavement. The mailbox support or standard shall be constructed in accordance with U.S. postal requirements. The mailbox and standard shall only be used for mail purposes and may have street addresses affixed to it. No other fixtures will be allowed, within the public right-of-way, except public street names signs, traffic control signs and public lighting approved by the City.
- (C) Should the adjacent property owner neglect or be negligent in performing the general maintenance of driveway, driveway pipes and ditches that is specified in subpart (a) above and damages occur to the public roadway or adjacent property, that property owner shall be responsible for all damages and liabilities that occur.
- (D) When it is determined by the Public Works & Utilities Department that a driveway pipe or pipes has deteriorated or been damaged to a point that replacement is required, the

property owner shall replace said driveway pipe within one week of notification or bear the cost of said replacement.

Introduced by:

Approved as to Form & Legality:

City Attorney

Staff Review Completed:

Administrative Assistant

Requested by: SEACREST & KALKOWSKI, P.C. on behalf of Carl R. Schmidt

IN SUPPORT

CHANGE OF ZONE NO. 3290
PRELIMINARY PLAT NO. 02018

Submitted at public hearing before
Planning Commission: 1/22/03

Planning Commission
City of Lincoln
Lincoln, NE 68508

RE: PAS Change of Zone #3290 (AGR to R-1)
Preliminary Plat #02018

It was my intention to testify in favor of the proposed waivers requested by Carl Schmidt for our neighborhood - Sheldon Heights. Unfortunately I will be unable to attend your meeting this afternoon. I am sending my thoughts to Kent Seacrest so he can convey my support for what Carl is trying to accomplish.

We have lived in Sheldon Heights for about 13 years and want to maintain the rural environment. Our neighbors have had some preliminary meetings to accomplish what our neighbors to the east, Hawkswood Estates, accomplished last year. In all likelihood we will come before you asking for the same waivers Carl and our neighbors to the east requested. We believe they are a natural extension to the Hawkswood area and are reasonable requests.

If any of you have any questions, please feel free to call me, 434-1861. We recommend approval of the zoning waivers.

Sincerely,



Stan Maly
6700 Pinccrest Dr.
Lincoln, NE 68516

IN SUPPORT: Submitted at Public Hearing
before Planning Commission: 1/22/03

CHANGE OF ZONE NO. 3290
PRELIMINARY PLAT NO. 02018

Arthur I. Zygielbaum
6601 Pinecrest Drive
Lincoln, NE 68516

January 22, 2003

Planning Commission
City of Lincoln
Lincoln, NE

Reference: P.A.S: Change of Zone #3290 (AGR to R-1)
Preliminary Plat #02018

Speaking for myself and for my neighbors, I strongly support the proposed waivers requested by Carl Schmidt through Kent Seacrest for the area called Frontier Meadows within Sheldon Heights.

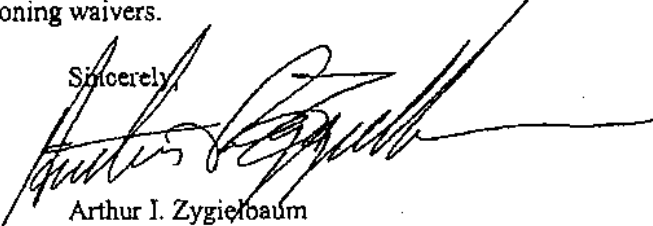
The proposed waiver closely matches waivers approved for Hawkswood Estates and is in concert with current plans being developed by the Sheldon Heights neighborhood. It is our intent to follow the lead of Hawkswood Estates in maintaining the rural environment currently existing within the community.

As you may be aware, my activities on the Beal Slough Stormwater Taskforce and on the Comprehensive Plan Committee focused upon maintaining the expectations of people who choose Lincoln as their home. While recognizing the city's need to accommodate growth and to serve all citizens in an efficient and cost-effective manner, I believe and have shown that effective compromises exist to meet the demands of a particular community and satisfy the requirements of the city in general. In the current instance, the proposed waivers support the infrastructure maintenance needs of the city and sustain the rural community we have built with our neighbors.

My involvement with the City has lead to a strong respect for the work of the Planning Commission and Department. The personnel I worked with are skilled and accomplished. I do therefore respectfully disagree with their recommendations of denial for the rural roadway and stormwater ditches in the waiver document. These items are similar to already approved waivers in Hawkswood Estates and are in agreement with plans we are developing.

I recommend and request approval of the zoning waivers.

Sincerely,



Arthur I. Zygielbaum